

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

YINTAO YU,
Plaintiff,

v.

BYTEDANCE INC., et al.,
Defendants.

Case No. [23-cv-04910-SI](#)

**QUESTIONS FOR DECEMBER 1, 2023
HEARING ON DEFENDANTS'
MOTION TO COMPEL
ARBITRATION**

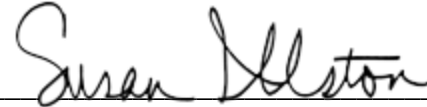
Defendants' motion to compel arbitration is scheduled for a hearing on Friday, December 1, 2023 at 10:00 a.m. via zoom. The Court directs the parties to address the following questions at the hearing:

1. Why didn't defendants remove *Yu v. ByteDance*, 23-707 SI or *Yu v. ByteDance*, 23-3505 SI pursuant to 9 U.S.C. § 205?
2. Could plaintiff challenge the removal of this case under 9 U.S.C. § 205 on the ground that the Stock Option Award Agreement, the Patent Assignment Agreement, and the (unsigned) Undertaking Agreement do not "relate to" the subject matter of this declaratory relief action? If so, why didn't plaintiff make such a challenge?
3. When defendants moved to compel arbitration in 23-707 SI and 23-3505 SI, why didn't defendants invoke the Stock Option Award Agreement, the Patent Assignment Agreement, and the (unsigned) Undertaking Agreement?
4. Have defendants moved to compel arbitration in the pending state court case? If not, why not?
5. Why did plaintiff file the present declaratory relief action rather than asserting a claim for declaratory relief in the pending state court action?
6. What is the status of plaintiff's bankruptcy, and what is the impact of the bankruptcy filing on either the state court action or this case?

1 7. What is the status of the state court action?

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3 **IT IS SO ORDERED.**

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5 Dated: November 28, 2023



SUSAN ILLSTON
United States District Judge